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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/519,136	03/06/2000	Jim B. Estipona	042390.P8359	7704

7590 12/03/2003

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EXAMINER	
TRAN, MYLINH T	

ART UNIT	PAPER NUMBER
2174	14

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/519,136	ESTIPONA, JIM B.	
	Examiner	Art Unit	
	Mylinh T Tran	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Request for recon filed 09/15/03*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Applicant's Request for Reconsideration filed 09/15/03 has been entered and carefully considered. However, arguments regarding rejections under U.S.C 103 to claims (1-15) have not been found to be persuasive. Therefore, these claims are rejected under the same ground of rejection as set forth in the Office Action mailed (06/19/03)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger et al [US. 5,265,202] in view of Rybczynski [US. 6,348,953].

As to claims 1 and 7, Krueger et al. discloses creating a first window to receive dynamic video content (figure 1, window (18)) which at least partially overlaps a second window on a region of overlap of a display (figure 1, display screen (16), column 2, line 67 through column 3, line 7). Krueger et al. cites "display screen 16 is displaying a computer application concurrently with an interlaced video image within a window 18". (Display screen 16 is a window because of displaying a computer application); Krueger also cites "the source of the video image can be either a channelized source, such as broadcast or cable television" which suggests dynamic video content; and the second window to

draw after the first window (column 4, lines 15-40). The difference between Krueger et al. and the claim are the setting the pixels of the first window to a chroma color and setting background pixels of the second window in the region of overlap to the chroma color. Rybczynski shows the setting the pixels of the first window to a chroma color and setting background pixels of the second window in the region of overlap to the chroma color (column 7, lines 50-67 and column 8, lines 25-38). It would have been obvious to one of ordinary skill in the art, having the teachings of Krueger et al. and Rybczynski before them at the time the invention was made to modify the overlaying windows taught by Krueger et al. to include rendering video to areas of the region of overlap which have the chroma color of Rybczynski, with the motivation being to combine a foreground image and a background image to give a composite image with a natural optical appearance as taught by Rybczynski.

As to claims 2 and 8, Krueger et al. also discloses configuring the first and second windows as children of a common parent window (figure 1).

As to claims 3, 6, 9, 12 and 14, Krueger et al. teaches configuring the second window to receive user interface events (column 5, lines 15-26).

As to claims 4, 10 and 15, Krueger et al. also teaches setting the style of the second window to transparent (column 5, lines 15-26).

As to claims 5, 11 and 13, the claim is analyzed as previously discussed with respect to claim 1 except for configuring the first and second windows to move correspondingly to one another and the drawing and the rendering step. While

Krueger et al. shows the configuring the first and second windows (column 6, lines 30-50), Rybczynski teaches draw first with a chroma color and then draw with other colors representing window elements (column 8, lines 25-40) and rendering video only area of the region of overlap which have the chroma color (video screen is type of window) (column 2, lines 35-60).

Response to Arguments

Applicant has argued that the reference does not disclose "a second window which a first window partially overlaps nor configuring the second window to draw after the first window". Applicant argues "Krueger just refers exclusively to a single window within which video data or a video image is allegedly displayed". However, the Examiner does not agree. Krueger et al. discloses creating a first window to receive dynamic video content (figure 1, window (18)) which at least partially overlaps a second window on a region of overlap of a display (figure 1, display screen (16), column 2, line 67 through column 3, line 7). Krueger et al. cites "display screen 16 is displaying a computer application concurrently with an interlaced video image within a window 18". (Display screen 16 is a window because of displaying a computer application); Krueger also cites "the source of the video image can be either a channelized source, such as broadcast or cable television" which suggests dynamic video content; and the second window to draw after the first window (column 4, lines 15-40). Because the display screen 16 is displaying a computer application, the display screen 16 is a window. The first window is window 18 and the second window is

the display screen 16. Applicant's attention is also directed to column 1, line 50 through column 2, line 29. In the window operating, a window is maximized to become a big screen. There are two windows overlapping each other; so when the second window appears, the pixel of the first window changes. That discloses "configuring the second window to draw after the first window". It is clear that Krueger shows a second window which a first window partially overlaps and configuring the second window to draw after the first window.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response,

(703) 746-7238), may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Kristine Kincaid

KRISTINE KINCAID
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Mylinh Tran

Art Unit 2174